

ASSEMBLY BILL

No. 865

Introduced by Assembly Member Matthews

February 20, 2003

An act to amend Section 1122 of the Penal Code, relating to criminal procedure.

LEGISLATIVE COUNSEL'S DIGEST

AB 865, as introduced, Matthews. Criminal procedure: jury instructions.

Existing law requires the court, at each adjournment of the court before the submission of the cause to the jury, to admonish the jury that it is their duty not to converse among themselves, or with anyone else, on any subject connected with the trial, or to form or express any opinion thereon until the cause is finally submitted to them.

This bill would additionally require the court to instruct the jury that the integrity of a trial requires that jurors, at all times during their deliberations, conduct themselves as required by the court's instructions, that accordingly, if any juror refuses to deliberate, or expresses an intention to disregard the law or to decide the case based on penalty, punishment, or any other improper basis, the other jurors shall immediately advise the court of that fact.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1122 of the Penal Code is amended to
2 read:

1 1122. (a) After the jury has been sworn and before the
2 people's opening address, the court shall instruct the jury generally
3 concerning its basic functions, duties, and conduct. The
4 instructions shall include, among other matters, admonitions that
5 the jurors shall not converse among themselves, or with anyone
6 else, on any subject connected with the trial; that they shall not read
7 or listen to any accounts or discussions of the case reported by
8 newspapers or other news media; that they shall not visit or view
9 the premises or place where the offense or offenses charged were
10 allegedly committed or any other premises or place involved in the
11 case; that prior to, and within 90 days of, discharge, they shall not
12 request, accept, agree to accept, or discuss with any person
13 receiving or accepting, any payment or benefit in consideration for
14 supplying any information concerning the trial; *that the integrity*
15 *of a trial requires that jurors, at all times during their*
16 *deliberations, shall conduct themselves as required by the court's*
17 *instructions, that accordingly, if any juror refuses to deliberate, or*
18 *expresses an intention to disregard the law or to decide the case*
19 *based on penalty, punishment, or any other improper basis, the*
20 *other jurors shall immediately advise the court;* and that they shall
21 promptly report to the court any *other* incident within their
22 knowledge involving an attempt by any person to improperly
23 influence any member of the jury.

24 (b) The jury shall also, at each adjournment of the court before
25 the submission of the cause to the jury, whether permitted to
26 separate or kept in charge of officers, be admonished by the court
27 that it is their duty not to converse among themselves, or with
28 anyone else, on any subject connected with the trial, or to form or
29 express any opinion thereon until the cause is finally submitted to
30 them.

